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Minutes of Plan Commission Meeting October 5, 2009

Held at the Town Hall on County Highway G

Town of Holland, Sheboygan County, Wisconsin

The numbering of the Minutes corresponds to that of the Agenda:

1. The meeting was called to order at 7:30 p.m. by Chairman Donald Becker.
2. The assembly recited the Pledge of Allegiance.
3. Chairman Donald Becker certified that the requirements of the Wisconsin Open Meetings law had been met.
4. Record Retention Certification: Clerk Syd Rader certified that hard-copies and electronic files of the Plan Commission are filed at Town Hall through August 2009. Files more recent than that are in the Clerk's hands.
5. The Agenda was adopted as the official order of business on a motion by David Mueller. The motion was supported by Jack Stokdyk and passed by a unanimous voice vote.
6. Roll Call showed in attendance Chairman Donald Becker, Ken Nyhuis, Jack Stokdyk, Trevor Mentink, Jan Rauwerdink, Eugene Schmitz, David Mueller. Excused were Dave Huenink, Roy Teunissen, Tom Huenink, Joel Van Ess.
7. With the roll call corrections called for by David Mueller, the Minutes of the meeting on September 8, 2009 were approved on a motion by David Mueller. The motion was supported by Jan Rauwerdink, passing by a unanimous voice vote.
8. Public input: John Jepson of N1946 Dulmes Road asked if he could sell off 80 acres of farmland from his 122 acre parcel. Procedurally this would be simple if the 80 acres were transferred to an adjacent land owner. Complications set in if there is to be a change of zoning, but this is not contemplated.

9. Public Hearing:

A request by Kevin Claerbaut and Jon Arentsen (owners of CG Services, LLC) for a conditional use permit to conduct the business of retailing hay, straw, landscape supplies (and snow plowing) at rented facilities at N1403 Sauk Trail Road. The parcel 59006075991 at N1403 Sauk Trail is zoned A-1 and is owned by Ben Claerbaut. Moreover, storage of business-related equipment and materials, but not retailing activity, occurs on parcel 59006076210 (N1901 Smies Road) located at the southwest corner of Smies Road and Interstate Highway 43. A non-conforming parcel of 3.4 acres, 59006076210 is zoned A-1 and is owned by Dennis F. Schaefer.

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Kevin Claerbaut and Ben Claerbaut appeared to speak in favor of the request and to answer questions. No one from the public spoke in opposition to the request.

Q: How many customers per day? A: Spring is heavier; 25% of customers are for hay; 3-5 customers per day; Smies Road site is just for storage of equipment and bulk materials.

Q: What is Smies Road site used for? A: Storage of off-season equipment and bulk supplies.

Q: Are any hazardous materials stored? A: No except diesel fuel in vehicles.

Q: What are hours of operation? A: 9-5 M-F; 9-1 Saturday.

With the aid of a map of the vicinity at N1403 Sauk Trail Road, the Claerbauts explained that the business operation takes place in the shed at 59006075991 and –this is new information – an adjacent part of 59006075980.

Jack Stokdyk moved to close the public hearing. The motion was supported by David Mueller, passing by unanimous voice vote.

10. Deliberation/action on the foregoing request by Kevin Claerbaut and Jon Arentsen.

Comments/questions: Is a CUP required for the Smies Road Site; certainly one is for the Sauk Trail site. Permitted and conditional uses have to fit the zoning district, according to Gerry Antoine. A landscaping business does not seem to fit in A-1. How to proceed? What's needed so that the applicants can continue in business? It is not the intention of the Plan Commission to drive the Claerbauts out of business. A potential solution is B-1 zoning. The meaning and intent of farm family business was reviewed. Another potential solution is to add landscaping business as a conditional use under A-1 or A-2. Does a CUP go with the property; Gerry Antoine answers generally yes. Was there a complaint that caused the applicants to come forward with their request? Yes. Chairman Becker asked to Plan Commission to give thought to the request over the next month, developing a rationale for an approach to resolving the issue. It is clear that business other than farming is involved. Pose alternatives at the next Plan Commission meeting. Do not act impulsively at tonight's meeting. Motion to table was invited. Proposal: make landscaping business a conditional use in A-1 and A-2 and a permitted use in A-4. Jamie Rybarczyk was invited to formulate his thoughts and forward them to the Chairman, even as to how a proposed solution might affect the rest of the Town.

Eugene Schmitz moved to table the request until next month, supported by David Mueller, passing by a unanimous voice vote.

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11. Implementation of Comprehensive Plan: Discuss, review and act on the latest changes to chapter 330 of the Town's ordinances, and discuss how the overlay districts work with the other zoning districts. Jamie Rybarczyk led this part of the meeting, illustrated with handouts Chapter 330 Zoning Ordinance Revision 3 & explanatory memo 10/5/09 Jamie Rybarczyk to Don Becker. The latter served as the agenda to this part of the meeting, pointing to a number of highlights and discussion points. As usual, Jamie Rybarczyk will process the resulting changes to chapter 330.

Mr. Rybarczyk recommends removing the language "principally engaged in agriculture" wherever it appears in chapter 330. At first glance, this would seem to open the door to non-farming influences within the Town, except that there are offsetting protections like such as permanent deed restrictions against further development of residual farmland. Farmers on the plan commission expressed their concern about Mr. Rybarczyk's recommendations, feeling that the residual farmland may be used for non-farming applications.

How to handle farm units? Mr. Rybarczyk will develop recommendations.

Mr. Rybarczyk suggests removing public/institutional facilities (like museums, cemeteries, churches) from zoning districts A-5, R-5, etc. and moving them to P-2 and P-2 only.

Chairman Becker will forward margin comments in his copy of chapter 330 to Mr. Rybarczyk.

Mr. Rybarczyk concluded by saying he has started ground work to a future land division ordinance, to be unveiled in November. He is still working on a TDR (transfer of development rights) proposal.

Jan Rauwerdink and David Mueller, both farmers, reiterated their concern about dropping the "principally engaged in agriculture" safeguard from the zoning ordinance. This on the grounds that working farmland could give way to non-farming applications such as natural prairies. They suspect that the off-setting protections that are being proposed are insufficient

12. Review of steps for approving and issuing a conditional use permit: tabled until next month.
13. Public Input: none
14. The attendance record for September 2009 was approved on a motion by David Mueller, supported by Ken Nyhuis, passing by a unanimous voice vote.
15. The meeting adjourned at 9:51 p.m. on a motion by Jan Rauwerdink, supported by David Mueller, passing by a unanimous voice vote.

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Respectfully submitted,
Syd Rader, Clerk of the Plan Commission, Town of Holland
October 6, 2009